

New England UPS Teamsters Sue to Defend Contract

UPS Teamsters in New England are taking legal action to enforce their contract after UPS and Local 25 officials cut a deal that violates clear language requiring premium pay for Sunday work.

Members are suing UPS, Local 25 and the IBT in federal court and have launched the New England Teamsters Supplement Protection Committee (NETSPC) to unite UPS Teamsters to defend their contract.

Across New England, UPS Teamsters are circulating NETSPC bulletins and collecting petition signatures demanding that President Hoffa enforce their supplement.

"It all starts with the contract. If you don't protect that, you don't have anything," said Dave Whitney, a Local 25 feeder driver and a plaintiff in the lawsuit.

The New England supplement contains unique language that prohibits the company from establishing a Sunday to Thursday work-

week unless UPS pays premium pay for Sunday work.

Local 25 Cut Side Deal

But Local 25 President Ritchie Reardon cut a side deal with UPS last August that directly violates the supplement. The deal allows UPS to establish a Sunday to Thursday workweek at the Chelmsford building without paying overtime. Instead, UPS only has to pay a 25-cent differential to feeder drivers and a one-time \$200 bonus to part-timers who work Sundays to Thursday.

The lawsuit accuses UPS of breach of contract and Local 25 of breaching its duty of fair representation.

Members tried to enforce their contract through the grievance procedure but Reardon refused to process group grievances signed by 60 drivers.

For more information on the UPS contract protection campaign, see page 4.

Members Speak Out

"Cape drivers stand behind the contract. We want the right to vote on any change to our supplement. This should have been voted by every UPS Teamster in New England not just a select few. We're getting out the information and getting signatures on the petitions. We're going to keep fighting until the right thing is done."

**Kathy Knapp, Alternate feeder shop steward
Local 59, New Bedford, Mass.**

"We don't want to go backwards with our contract. We don't want givebacks. You start going down that road and where's it going to stop? What's the next language that we're going to give up? We have to stop this now."

**Jim Willey, feeder shop steward
Local 25, Boston**



Retirement Beach Party for Pension Fund Trustees

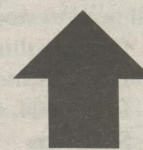
IBT Vice Presidents Fred Gegare (left) and Chuck Mack (right) voted to slash Teamster members pensions, as trustees on the Central States and Western Conference pension funds.

How much will Fred and Chuck bag when they retire? See page 6 to find out.

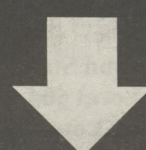
Hint: four pensions are better than one!

\$\$\$\$\$ IBT FINANCIAL REPORT \$\$\$\$\$

**Dues
Income
UP**



**Organizing
DOWN**



Dues income to the International Union has doubled since 2002—as a result of the dues increase and financial restructuring—but Teamster membership continues to shrink.

The newly released 2003 LM-2 financial report of the International Union reveals that our union suffered a large net loss of membership last year—dipping to 1,328,000. That makes a net loss of nearly 100,000 members since James Hoffa took office in 1999.

The last time the union grew was in the mid-1990s when a membership-driven organizing program started to reverse losses.

Ten percent of the IBT budget is dedicated to an organizing fund. Hopefully our union's new organizing program will start to yield results in terms of building Teamster power. More resources—as well as more rank-and-file participation—would strengthen this effort.

In an upcoming *Convoy*, TDU will release a report on Teamster spending and show how more funds can be allocated to organizing by eliminating financial waste.

The complete IBT LM-2 report will soon be available at www.tdu.org.

Letters From Our Members

Telling Truth Is Not Mudslinging

I read brother Dennis Hammond's letter in Convoy Dispatch #216 and agree with all he has to say except his accusing TDU of mudslinging. Is telling the truth really mudslinging?

TDU tells the truth. If TDU didn't tell the truth, does anyone believe attorney James P. Hoffa and his battery of lawyers would hesitate to sue for libel?

The truth is not mud. While we fight for all the necessary things brother Hammond speaks of we must also keep fighting to clean up our own house. It is *our* house, and no one will do it for us.

Steve Steinhagen
Local 638, retired
Minneapolis

TDU Our Only Chance

I hesitated joining TDU for years and finally I used my head after coming to the conclusion that this is the only chance to save what we have worked for in the past. This Hoffa group has stolen and made sweetheart deals with the employers and Central States, and we had all better get on the band wagon to oust this group before it's too late.

Our principal officer at Local 604 (John Thyer) told us exactly what was going to happen prior to the contract. Did your officer tell you? They all knew, yet ours was not left on the negotiation committees because of his outrage over what was about to go down.

I say oust them all and elect John Thyer your next President of the IBT.

John Street
Local 604, Jack Cooper
St. Louis

Carhaulers: It's Time to Join TDU

I've followed TDU for several years and I've sometimes agreed and disagreed with TDU's policies. Being a carhauler I've felt carhaul wasn't covered enough. Carhaul drivers have stuck together and I'm proud to be in that group.

How to Contact TDU

We want to hear from you. Contact us at the addresses below for more information about TDU, or to send us articles or letters.

National Office: P.O. Box 10128, Detroit, Mich., 48210. Phone: (313) 842-2600. Fax: (313) 842-0227. e-mail: tdudetroit@tdu.org Website: www.tdu.org

NY Office: 104 Montgomery St., Brooklyn, N.Y. 11225 Phone: (718) 287-3283. Fax: (718) 287-3287. e-mail: tdueast@tdu.org

2004 TDU Convention

"Last year a coworker and I went to the TDU Convention for the first time. It was very educational. We met people from around the country who deal with the same problems that we do. We learned new strategies and brought back that information so people in our local can use it.

Come to the TDU Convention this October. You'll be glad you did."

Gil Clark
Local 688, UPS
St. Louis



October 22-24 Cleveland Sheraton Airport

For more information, call TDU at 313-842-2600 or visit www.tdu.org.

I'm unhappy with the recent changes in retirement and the cost of insurance increases. It's now time to step forward and join TDU. TDU is fighting for our rights against the ones responsible for the increases and the way it was handled behind closed doors.

I'm almost 57 and was looking forward to retiring soon. I figure now I'll need to work until I'm 62.

Do your thing TDU.
David Bandy
Local 604, Cassens Transport
St. Louis

We Deserve a Voice on Pension Fund Policies

I recently read a newspaper article reporting the Teamsters were challenging General Electric Corp. at the annual shareholders meeting. The

Teamsters proposed requiring shareholder approval for large severance packages. The union lost but the GE board ended up adopting similar language.

I found it ironic that the Teamsters Affiliates Pension Plan wanted every shareholder to have a say over GE severance packages while Teamster participants in the Central States Pension Fund had no vote over cuts made to their pensions and rising health costs. If Teamster shareholders at GE merit a voice over key decisions, why don't life-long Teamsters deserve the same vote when it comes to their pension fund policies?

Doug Hollander
Local 554, UPS Retired
Omaha, Nebraska

TDU International Steering Committee

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Maria Martinez, Pasco, Wash., Local 556
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Michael Savvoir, Kansas City, Mo., Local 41

Organizer:

Ken Paff, Detroit

Trustees:

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Erik Jensen, Minneapolis Local 320
Matt Latzo, Baltimore Local 311

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John DePietro, Syracuse, N.Y., Local 317
Jona Fleurimont, New York City Local 854
Frank Halstead, Los Angeles Local 572
Jim Jacob, Providence, R.I. Local 251
Roy Kruchten, Chicago Local 705
Sandy Pope, New York City Local 805
Dawn Stanger, Vermont Local 597

Alternates:

Larry Macdonald, Atlanta Local 728
K.W. Phillips, Memphis Local 667
Bill Sercombe, Jackson, Mich., Local 164

Who We Are

CONVOY DISPATCH is the voice of Teamsters for a Democratic Union. We are the united rank and file movement to reform the Teamsters, created out of the merger of PROD and TDU.

We are truck drivers, dock workers, production workers—every kind of Teamster, and spouses, too.

We are a grassroots organization with chapters from coast to coast in the USA and Canada. We believe in returning this union to the membership and we are doing it. We are a democratic organization in which every member has a voice and vote. Our 15-member International Steering Committee was elected in October 2003 for one year. Our Rank & File Convention had 300 representatives present.

We are proud Teamsters standing up for our rights. TDU invites all Teamsters interested in defending our contracts and reforming our union to join us. We do reserve the right to exclude those who are opposed to TDU and its principles.

Rank & File Bill of Rights

I. DEMOCRATIC BY-LAWS. All business agents and stewards should be elected. Vacancies in office should be filled by special election within three months. Local union committees should be elected. Contract and strike votes should be by majority (not two-thirds). All contracts should provide for elected officers retaining company seniority.

II. DIRECT ELECTION OF OFFICERS. General President and all International officers should be elected by the membership. International VPs elected by regions. An end to trusteeships and split-off locals.

III. A FAIR GRIEVANCE PROCEDURE. Innocent until proven guilty, right to remain on the job until final procedure completed. Grievance procedure should include right to a speedy trial, arbitration by peers, and the right to strike if necessary.

IV. PRESERVATION OF WORKING CONDITIONS. The union's purpose is to expand and preserve what we have, not trade it away for anything less. People come first, not productivity.

V. SAFETY AND HEALTH. We have the right to enter the workplace without fear for our health and leave in the same condition we arrive. Teamsters should have the right, backed up by our union, to refuse unsafe work or hazardous conditions. We are not machinery.

VI. EIGHT-HOUR DAY AND FIVE-DAY WEEK. Forced overtime and unfair dispatch rules destroy our family life and cost us jobs. No mandatory overtime, "flexible" work weeks, or 70-hour slavery. We are for the advent of the four-day work week. We work to live, not live to work!

VII. A DECENT PENSION. Every dollar in the pension funds belongs to us. We are entitled to 25-and-out, cost of living on pensions, and union pension trustees elected by the rank and file and retirees to safeguard our money.

VIII. JUST SALARIES FOR OFFICERS. A union officer can't understand the problems of members who make less than half what he makes. No officer should make more than the highest paid working members in his jurisdiction. No multiple salaries from union, company, or government sources, or special fringes and pensions. Salary increases limited to the average increase for membership, and subject to membership approval.

IX. EQUALITY AMONG TEAMSTERS. Bring all wage levels up to the highest standards, not a lot for the few and little for the many. Fight the hardest for the lowest paid.

X. END TO DISCRIMINATION. Employers have used the differences in age, race and sex to divide us for decades. We oppose these injustices and divisions. Support affirmative action to correct past injustices. Employers should bear the cost of their past discrimination, not the members.

E-Mail Your Letter

Either visit our web page at

www.tdu.org
and use the link provided there,
or e-mail your letter to letters@tdu.org.



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Organizing

Wanted: Rank and File Volunteers

Pete Landon
Local 299, Detroit

All that IBT dues money that was going to go to organizing may be seeing the light of day. It's taken about two years since the dues increase, but organizing new Teamster members is getting a lot of play these days. Two major campaigns are at the forefront — USF Dugan and the waste industry.

While the USF Dugan results have been mixed — with wins in Mobile, Ala., and Cincinnati and a loss in Kansas City — it's clear that major attention and resources are going into this campaign. Workers from several Allied Waste/BFI facilities recently voted to join Atlanta Local 728 and two more elections are scheduled at Waste

Management in Nevada for April 28-29.

The IBT Organizing Division is spreading the word. At a recent general membership meeting in Detroit Local 299, IBT organizer Mike Clark laid out the organizing perspective.

Clark said we need to focus on our core jurisdictions so that organizing increases our bargaining power. Clark stressed that working Teamsters are the best organizers when they talk one-on-one with nonunion workers. He encouraged members to get involved in volunteer organizing committees (VOC).

Where Do We Sign Up?

Teamster members want to build our union. When asked, we answer. Rank

and filers walked the Overnite picket lines and followed many a truck. They support organizing campaigns in their own locals.

Members are the foot soldiers for any effort, but we can do more. The best organizing plans are made when staff organizers, volunteer organizers and union supporters at targeted companies like USF Dugan work together to plan the organizing drive. The volunteer organizing committees are where this can happen.

If organizing is going to succeed,

members need to get on board in a big way. Get your local to establish a volunteer organizing committee, or you and your buddies need to join one that already exists. Get your local to invite someone from the IBT organizing department to come and speak to the membership.

Get the local to commit specific personnel and money to organizing. Press the IBT to help fund or match your local's organizing budget. Put that dues money to work and expand the ranks.

We are the union and it's up to us to grow the ranks.

Hours of Service Battle Continues

On April 13 the U.S. Court of Appeals in Washington, D.C., heard arguments regarding the process that led to changes in the hours of service (HOS) regulations. Attorney Bonnie Robin-Vergeer of Public Citizen argued on behalf of the interests of truck drivers and the public.

The three judges who will decide the issue asked some hard questions of the government's lawyers, so hopefully they understand how serious this matter is.

Public Citizen's case challenging the hours of service relies on the fact that changes such as increasing driving time from 10 to 11 hours and the 34-hour reset go against the goal of increasing safety.

They also challenge allowing split-sleep in a sleeper berth, and the DOT's failure to heed the statutory mandate to consider the impact on driver health, in addition to highway safety issues.

The justification, backed by scientific studies, for changing the decades-old HOS rules was based on increased safety. Instead the Department of Transportation caved in to corporate interests.

If Public Citizen is successful, the new HOS rules could be vacated, the old ones put back in place, and the DOT would be then be forced to come back with a new proposal. A decision by the court is likely a few months away, possibly even longer.

How Do You Rate Hoffa?

In *Convoy* #215, TDU asked for your feedback to help us prepare our upcoming report on the decline of Teamster Power. In this issue, *Convoy* is launching a membership survey on the Hoffa administration's performance.

We want to hear from freight Teamsters on how prepared you think our union is to meet the challenges ahead. We'll include your feedback, and your responses to the complete survey on page 8, in our upcoming report.

How would you rate the Hoffa administration's plans for overcoming the challenges facing our union in freight?

Organizing the nonunion competition
A B C D F

Contract enforcement
A B C D F

The Yellow-Roadway merger
A B C D F

Functioning of the grievance panels
A B C D F

Hours of Service Regulations
A B C D F

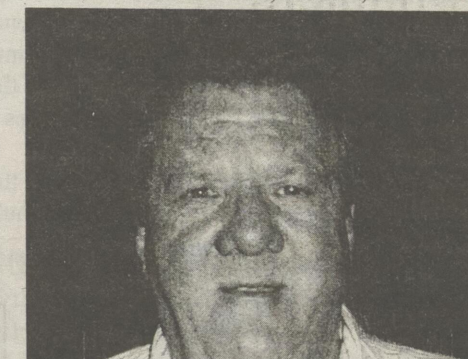
Other (list and grade)

A B C D F

Please attach additional comments

you have on the Hoffa administration, freight and the challenges ahead.

See the complete survey on page 8. Send your answers and comments to TDU, P.O. Box 10128, Detroit, MI 48210



"Our freight jurisdiction is deteriorating faster than I ever could have thought. Hoffa's failed strike at Overnite was a big loss. The pension changes are another. The word on the street is grievances get nowhere at the panels. Where's our power? It's not in the Hoffa name, I'll tell you that!"

Bill Sercombe
Local 164, ABF
Jackson, Mich.

Freightlines

DHL-Airborne Merger Deal

The 221 current DHL drivers and clericals will dovetail onto current Airborne seniority lists covered under the NMFA. This was the decision of the change of operations committee chaired by Tyson Johnson.

Many Teamsters are upset that the nonunion DHL employees will bring their seniority to Airborne. In response, part of the deal involves a "no layoff" provision. Regular, full-time Airborne Teamsters on letter of layoff must be recalled to work. However, future layoffs are allowed due to loss of customers or cyclical changes in business. The company may initiate layoffs but must submit them for approval by the Multi-Region Change of Operations Committee.

Unsuccessful DHL bidders shall be end-tailed behind current preferential casuals and Airborne part-timers.

The change of operations committee will hold jurisdiction until April 1, 2006. All grievances related to the change of operations, except seniority date disputes, shall be filed with the change of operations committee.

Contact TDU for a copy of the complete language of the agreement.

Roadway Change of Ops Follows Vegas Golf Outing

Roadway honchos will be playing more than golf when they attend this year's Hoffa Scholarship Golf Tournament. On Friday, May 14, following a few days of sun and fun, Roadway management and Teamster leaders will sit down to consider the company's latest change of operations, with a projected loss of 74 jobs. The company has requested a phone bid of June 6 with implementation on June 20.

The proposed change of operations is a long drive straight down the fairway toward job reduction. It's up to our Teamster leadership to tee it up at the panel hearing. Getting management to pony up money for Hoffa scholarships is merely making par — let's see if the union leadership can score a birdy.

Not many working Teamsters will be on hand — 90 percent of affected members are in the East, far from the Las Vegas Stallion Mountain Country Club.

ABF Fails to Meet Minimum Road Speed

Some road drivers at ABF have to wait a little bit longer to reach 60 mph as they wind on down the road. Our freight contract calls for existing road fleets to carry a minimum road speed of 60 mph as of April 1, 2004. ABF has not met the deadline. The company plans on trading in another 180 tractors to reach full compliance. Management asked for and received a 60-day extension on this provision from Tyson Johnson and the national freight committee.

K&R Express Bows Out

Nearly 300 Midwest Teamsters lost their jobs as K&R Express shut down in March.

Breakdowns and Hours of Service Rules

If a vehicle breaks down and the driver reaches the 14-hour limit before the vehicle is repaired, the driver may not drive the vehicle. It is necessary for the carrier to have the vehicle towed, or to send out a driver who has hours available to move the vehicle. This is according to Tom Yager, Driver and Carrier Operations Division of the Federal Motor Carrier Safety Administration. You can find out more about the hours of service regulations at www.fmcsa.dot.gov.

Demand IBT Action and Membership Vote on Contract Changes

New England UPSers Defend Their Contract

New England UPS Teamsters are fighting for their rights on two fronts. They are demanding their rights—guaranteed by the IBT Constitution and federal law—to vote on any changes to their contract.

Teamster Power Needed

In the meantime, they are demanding that Hoffa use his power under the Master Agreement to strike down side deals that UPS management cut with local officials to eliminate premium pay for Sunday work—a clear violation of the New England supplement.

UPS management tried to eliminate the premium pay guarantee in contract negotiations in 2002. They dropped the demand because the concession would never have been approved in a vote by all the members covered by the supplement.

Instead, UPS took the back door by cutting a deal with Boston Local 25. The giveback was approved in a bogus “election” held at the company in which UPS supervisors distributed ballots.

Only a small number of members at one facility were allowed to vote.

But the results violate regional supplemental language that covers members in six states.

UPS promptly went on the offensive, demanding that other New England locals also agree to give up their rights under the supplement or lose work to Chelmsford. The side deals have now spread to locals 42, 191, 340 and 677. Eight locals have

refused to go along with the giveback, including 170, 191, 251, 404, 443, 493, 597, 633, and 671.

The New England Teamsters Supplement Protection Committee (NETSPC) is demanding that the International step in and tell UPS that the New England supplement cannot be modified by local officials cutting side deals with management.

“The language in the supplement is clear and no one has the right to change it without a vote of all the members covered by the supplement,” said Local 170 vice president Jack Reardon. “It’s a shame that members ever have to sue a local, but no union official is above the contract. This lawsuit is about members taking a stand for our contract.”

Where Does Hoffa Stand?

The UPS Master Agreement requires any midcontract changes to be approved by the Joint National Negotiating Committee. Otherwise, these changes are null and void. (See Article 2, Section 2).

NETSPC is demanding that Hoffa use his authority under Article 2, Section 2 to nullify the side deals and restore their rights under the supplement.

Thus far, Hoffa has refused to say where he stands. Members deserve an answer.

If Hoffa did not approve the side deals, he can—and should—nullify the givebacks and defend the supplement.

“How can they change a New England-wide contract in one local? As a result, Teamsters in Worcester and other locals who refused to give up our right to premium pay have lost Sunday work. You know UPS management is not going to pay us time and a half to do Sunday work when they can pay other Teamsters straight time plus 25-cents an hour.

“UPS made 722 million profit last quarter and they’re nickel and diming us and playing one local against another. That’s not right. This shouldn’t take a lawsuit. Hoffa should step in and take care of this. But if Hoffa won’t enforce our contract, Teamster members will.”

Wayne Boraccini, feeder driver, Local 170, Worcester, Mass.

If Hoffa did approve the side deals, then he faces potential legal action for changing the contract without a supplemental wide vote—an action that violates members voting rights under the Teamster Constitution and federal law.

Stand Up for Our Contracts!

Every UPS Teamster has a stake in this fight. If UPS can cut a side deal and rewrite the New England supplement, what’s next? Amending master language in a side deal with another local?

Your support in this fight will send UPS the message that we will stand together to defend our supplement.

Members have retained legal counsel and their complaint, which was originally filed *pro se* in order to make the filing deadline, is currently being amended. Members are raising funds to pay for legal costs, including depositions, discovery and filing fees.

For more information, or to make a donation, write NETSPC at PO Box 342, North Billerica, MA 01862.

Action Plan at UPS?

In Convoy #215, TDU asked for your feedback to help us prepare our upcoming report on the decline of Teamster Power and members have responded on a range of issues. In this issue, Convoy is launching a detailed membership survey on the Hoffa administration’s performance.

We want to hear from UPS Teamsters on how prepared you think our union is to meet the challenges ahead at UPS. Please answer the survey question below. We’ll include your feedback, and your responses to the complete survey on page 8, in our upcoming report.

How would you rate the Hoffa administration’s action plans for overcoming the challenges facing our union at UPS?

UPS Basic A B C D F

Subcontracting A B C D F

Organizing UPS Logistics A B C D F

Excessive overtime A B C D F

Supervisory harassment A B C D F

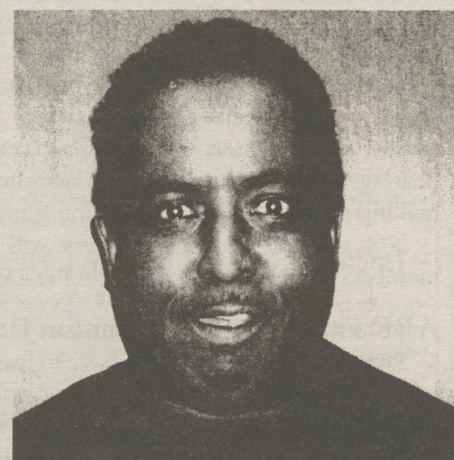
Other (please list and grade)

A B C D F

Additional comments you have on the Hoffa administration, UPS and the challenges ahead.

We’ll include your feedback, and members’ responses to the complete survey on page 8, in our upcoming report on Teamster Power and the Hoffa administration.

Send your answer to TDU, P.O. Box 10128, Detroit MI 48210. Please attach additional sheets as needed for your comments.



“UPS marches ahead with Smart Label and UPS Basic and the IBT is trailing far behind. There is no ongoing, coordinated effort by the International Union on either issue. Members and locals are left to deal with Smart Label’s disruptions and increased overtime as best they can on their own. The same goes for subcontracting and excessive workload.

“The Hoffa administration needs to step up. The challenges at UPS call for forward-looking, aggressive leadership.”

Michael Savvoir
Local 41, UPS
Kansas City

UPS & Downs

Union Pacific Shifting UPS Work to Truck

In 2003 Union Pacific railroad entered into an agreement with UPS to ship trailers from coast to coast within 60 hours. Now the railroad, citing delays and rail congestion, is moving some of that work by truck. Reportedly over 250 owner operators have been hired. This raises important questions.

While UPS is allowed to move volume by rail it is not allowed to subcontract bargaining union work. If UPS enters into an agreement with a railroad knowing that they can’t live up to the terms and the railroad then subcontracts that work to nonunion truckers, at what point does this become a violation of the union contract?

Parcel Division officials are hopeful that this work will come back to the feeder network and create some jobs. They should make sure that happens.

EEOC Sues Local Over AIDS Disclosure

The Equal Employment Opportunity Commission (EEOC) is alleging that Teamster Local 804 in New York disclosed confidential information on a member’s health status to his coworkers. A Local 804 business agent told UPS workers about the member’s HIV/AIDS status during a discussion in a breakroom over employee absences. The EEOC lawsuit is filed under the Americans with Disabilities Act (ADA). This should be a reminder to all Teamsters of the importance of privacy regarding health matters.

UPS Basic Grievance Heads to Arbitration

In April the UPS National Grievance Panel deadlocked a grievance filed over UPS subcontracting of work to the U.S. Postal Service. The case will now be scheduled for arbitration.

UPS Not Unhappy on April 15

Despite its continued growth, UPS is paying less in taxes. In fact, the company paid less income tax in 2003 than they have for each year since 1999. Wouldn’t it be nice if income taxes for UPS Teamsters always went down, not up?

In the IBT Warehouse Director's Back Yard

Supervalu Outsourcing Teamster Jobs in Washington State

When driver Tim McClure saw non-union Sunshine Dairy pulling loads off the Supervalu docks in Tacoma, Wash., he knew it meant trouble. Twenty-three Teamster drivers used to work at the Supervalu distribution center across the state in Spokane, before Sunshine Dairy took their work. "I saw them pull three loads in one week," McClure said. "This is a union warehouse with union drivers. We need to

put an end to this or we'll end up like the Spokane division."

Supervalu Spokane Goes Nonunion

How did the Spokane Supervalu driving work go nonunion? Members say Supervalu got their foot in the door by introducing customer pickup of a small portion of freight into the contract.

Then they started having Sunshine

Dairy do the customer pickups. It snowballed and soon Supervalu was selling Sunshine Dairy its trucks and trailers.

Supervalu used Tidyman's grocery stores to do its dirty work. Supervalu has 40 percent ownership of Tidyman's and is their exclusive supplier. Tidyman switched its routes over to Sunshine Dairy and the Teamster jobs started disappearing. Local 690 did informational leafletting at Tidyman's stores in late 2002, but it was not enough to stop the subcontracting.

Supervalu encourages chains to go around our union by subcontracting and using third-party distributors. This is also the message that its wholly-owned subsidiary Advantage Logistics gives its customers.

Fighting Back in Tacoma

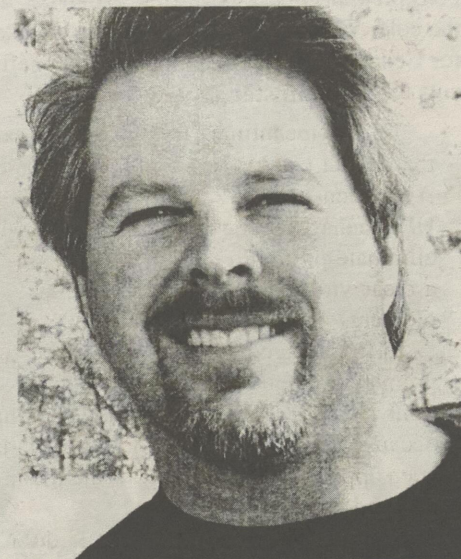
Now drivers fear the company is trying to get its foot in the door in Tacoma to outsource their jobs too. It started small, with management trying to eliminate union jobs one by one.

Some workers say Supervalu is purposely not maintaining enough equipment so that when they get new work they have an excuse to outsource it. When they picked up a Fleming account with a run to Fresno, Calif., they outsourced it to an owner-operator. The union grieved, but it was never heard.

When Sunshine Dairy showed up on the Tacoma docks, members immediately filed a grievance. Local 313, which represents the drivers, says they take the problem seriously. Members want strong action to nip this problem in the bud. They have asked that the union take legal action and consider using a strike for leverage if Supervalu does not back down.

Warehouse Director Contacted

The warehouse workers at Supervalu Tacoma are represented by Teamster Local 117, which is headed by John Williams. Williams is also the national



Tim McClure, Local 313, Supervalu, Tacoma, Wash.

Other grocery distributors are also using outsourcing, subcontracting, and third-party operators to pick off Teamster jobs worksite by worksite and local by local. We need national coordination in the grocery industry to resist outsourcing.

director of the Teamster Warehouse Division. Members have asked for his help.

Williams needs to offer the Warehouse Division's full support. If Supervalu can outsource Teamster jobs in our warehouse director's back yard, no one is safe.

National Coordination Needed

Other grocery distributors are also using outsourcing, subcontracting, and third-party operators to pick off Teamster jobs worksite by worksite and local by local. We need national coordination in the grocery industry to resist outsourcing.

The IBT Warehouse Division needs to start providing leadership, says Glenn Cisco, a 25 year Supervalu driver in Tacoma. "If you don't have guidance at the top, and motivated people in the middle guiding rank-and-file action, we'll be doomed in the grocery industry."

The Grocery Bag

Buffalo Teamsters Battle C&S Over Pay and Standards

When the grocery outfit C&S took over Topps warehouse in Buffalo, Teamster members were justifiably concerned about what the future would hold for them. C&S is primarily a nonunion operation and has undercut and eliminated many good union jobs in the Northeast.

At first the transition was fairly uneventful. Now things have taken a turn for the worse and Local 264 members have a major fight on their hands.

Last May C&S and Local 264 agreed to a contract that included a shift to incentive-based pay. Then, despite limits in the contract, C&S reengineered the time standards, arguing that a mistake made in the standards back in 1997 justified the changes. As a result workers are taking a huge hit in pay, losing \$100 or more per week.

Discussions so far have yielded little from C&S and the case is headed to arbitration. Pressure from the Warehouse Division and the international union could be helpful in dealing with this attack on Teamster jobs and working conditions.

Aftermath of So. California Grocery Settlement

The effects of the Southern California grocery strike settlement are starting to be felt. Up to 20 percent of the grocery clerks who went out on strike have not returned to their jobs. Their replacements fall under the Tier 2 provision of the new contract, which features lower wages and benefits. 26,000 clerks at Safeway and Giant Foods in the D.C.-Baltimore area recently ratified a similar two-tier agreement. New workers will have to work for six years before they match the benefits of current employees.

Union leaders in Northern California are preparing for the expiration of two UFCW contracts there later this year. They say they have learned the lesson that a national approach is needed to win regional strikes against the chains. One UFCW local president has said that the union will launch a national boycott of the struck chains if necessary but will not extend picket lines nationally. The contract between Southern California Teamsters and the same chains expires in September 2005.

Local 805 Members Save Health Benefits, Close Pay Gap

Local 805 members in New York and New Jersey beat back employer demands to force members to pay for part of their health coverage in two recent contract victories.

Members also achieved their goal of reducing the gap between lower- and higher-paid Teamsters. Employers divided the local's members into tiers in contract deals with the local's former old guard leadership.

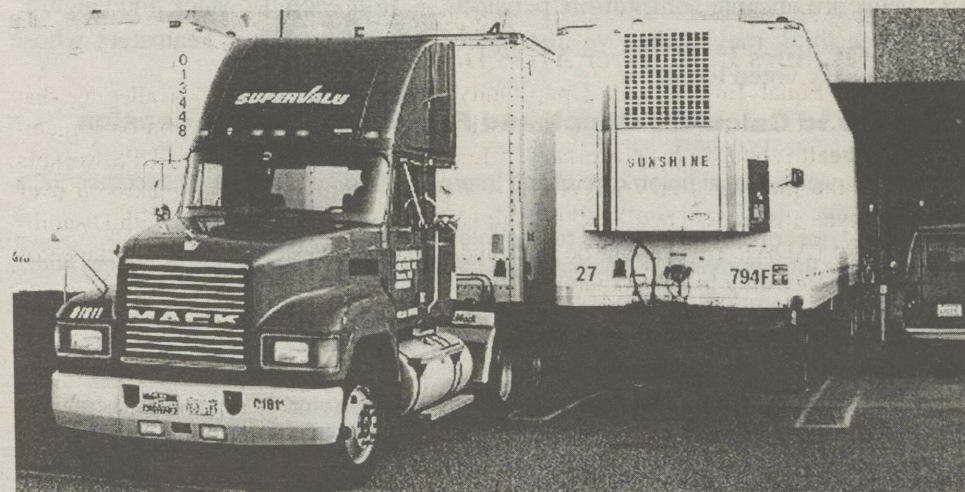
At White Rose, members closed the pay gap by winning raises for lower-tier workers and sizeable bonuses for members on the top-tier. At Harold Levison Associates (HLA), a convenience store distributor, members completely eliminated the lowest tier in their three-tier agreement and won pay increases for 100 members ranging from 25 cents to \$2 an hour.

The contract victories came despite economic setbacks at both companies. White Rose recently lost their A&P account to a nonunion competitor and HLA revenue from cigarette distribution is down 25 percent.

Safeway Boss Explains it All

"Business leaders must be prepared to be demonized as heartless profiteers."

Safeway CEO Steve Burd quoted in Supermarket News about the importance of pushing for two-tier wages and benefits.



Sunshine Dairy trucks have appeared on the docks next to Supervalu trucks in Tacoma, Wash., Local 313. Members want the union to stop the subcontracting of their jobs to nonunion outfits.

Congress No Help for Central States Pension Plan

Could UPS Legislation Freeze Benefits?

A new pension bill has been passed by Congress that will save businesses \$80 billion in pension contributions, but leaves the pension plans many Teamsters are in out in the cold. Worse, it could provide an excuse for Central States trustees to lock in benefit cuts for two years.

The bill allows pension plans that cover a single employer to save money by calculating their future pension liabilities based on a lower interest rate. It leaves out multi-employer plans that are jointly run by employer and union trustees. This includes hundreds of

Teamster plans, and hundreds of other union plans covering construction unions, machinists, service workers and more. Because of this discrimination against plans that cover union workers, the International Union opposed the bill.

Central States Affected

UPS used its political influence to have an amendment specifically targeted at the Central States Pension Fund added to the bill at the last minute. As you would expect from pension legislation pushed by UPS, it doesn't do much good for Teamsters in the Central States plan and has a catch that could seriously hurt them.

Under the UPS amendment, Central States will be allowed to put off for two years amortizing the losses it had in 2002. This means that the fund will be able to have less money on hand without falling into funding trouble with the government. The idea is to give the fund a longer period of time to keep recovering its losses now that the stock market has turned around. But in the third year, Central States will have to pay off those deferred contributions in one big lump sum.

And there is another catch. If the Central States trustees take this deferral, they will not be permitted by law to increase benefits until the charge has been paid off. So the pension cuts Central States recently made would be frozen into place by law for at least two years!

Central States has said it is evaluating whether it will take the deferral or not. What will our union trustees say about this?

UPS Flexes Its Muscle

UPS used its huge political clout to get this amendment written into the law. The Associated Press reports that:

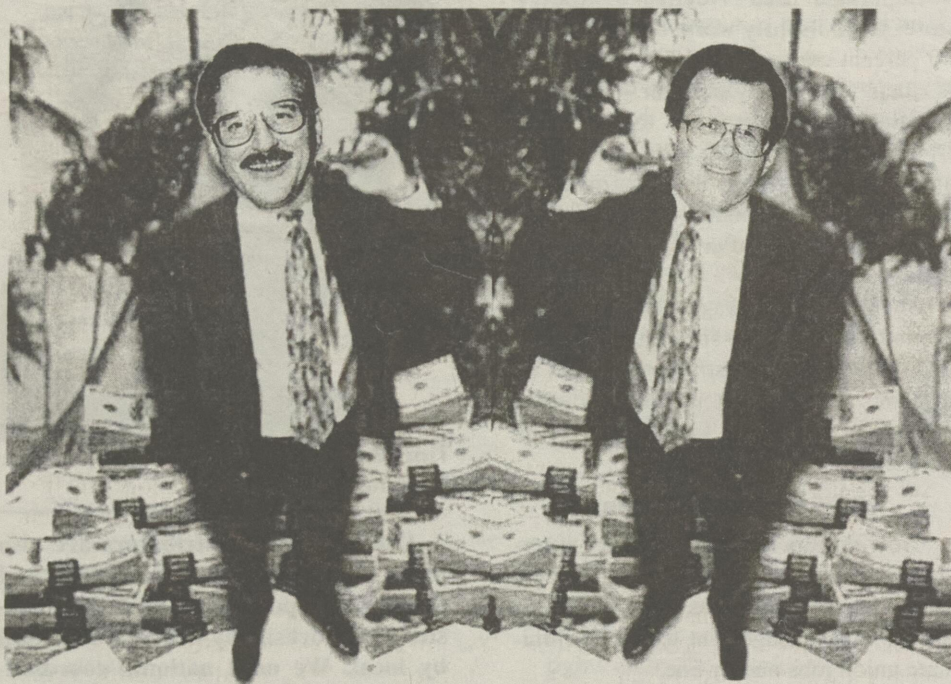
"The White House originally opposed all relief for multi-employer plans and only dropped its position under pressure from GOP Senate Republican Whip

Mitch McConnell (of Kentucky). Republican officials, speaking on condition of anonymity, said he was acting on behalf of UPS, his state's largest private employer. ... In a remarkable show of clout by one company and its powerful legislative ally, the bill was rewritten at the last minute to make sure the Central States Fund would be covered."

What Next From UPS?

After the pension bill passed, a UPS spokesman said that "long-term reform" of pension laws was their next goal. What more could they do to us? Well, earlier this year UPS tried to pass legislation that would forbid pension plans that are less than 90 percent funded from increasing benefits. This unrealistic and unnecessary requirement would force a benefit freeze in many Teamster pension plans. UPS may try to have this bill reintroduced next year.

When UPS tries to sweet-talk us into going into a management-run pension plan, remember how hard they have worked in Congress to freeze our benefits. When it comes to our pensions, watch what UPS does and not what it says.



'Life's a Beach' for Mack and Gegare Huge Pensions Await Officials Who Cut Members' Benefits

\$1 Million Lump Sum Retirement. \$1,036,161, to Be Exact.

How would you like that as a send-off toward retirement? Available when you reach age 57.

That's what Fred Gegare will take home if he can hang on as an IBT official for five more years. Gegare is the chair of the trustees of the Central States Pension Fund and Hoffa's point man on the fund.

Chuck Mack, a trustee on the Western Conference pension, is not far behind. He can retire with a lump sum send-off of \$780,000.

Gegare and Mack have more in common than fat retirement benefits. They're both Hoffa administration vice presidents. And they both have voted to slash pension benefits for working Teamsters.

On retirement, Gegare and Mack will also earn free family medical care. No premiums to pay, ever. And neither is bound by a reemployment rule. They're free to work anywhere, anytime, including in management!

These benefits come courtesy of the Family Plan — a pension for officers and staff of the International that's funded by our membership dues. Both Gegare and Mack are eligible for multiple pensions — four each for Mack and Gegare.

Do you think maybe they've lost touch with the working Teamsters whose pensions they voted to cut?

How to Calculate Chuck and Fred's Family Plan Pension

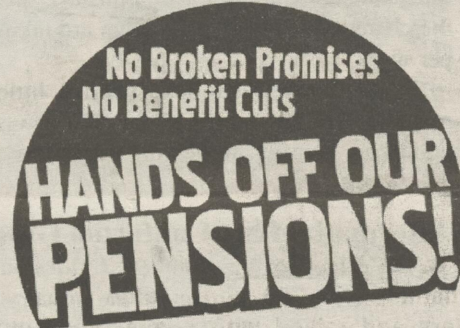
Fred Gegare:

30 years service as local union official and International official (when he becomes 57) x 2.5% per year
x \$98,682 — just one of his salaries (as an International vice president)
x 14 (which is the approximate "multiplier" to convert his annual pension to a lump sum, for age 57).
Total = \$1,036,161

Chuck Mack:

25 = 15 years as an International official, and use an additional 10 years as a local official x 2.5% per year
x \$96,012 salary (International salary only)
x 13 approximate multiplier, based on age
Total = \$780,097

If either Gegare or Mack receive salary increases, or if they stay in their positions longer, these figures will go up even higher.



Pension Stickers and Buttons Available

Buttons: \$1 each; 50¢ for 10 or more

Stickers: \$1 for 5; \$6 for 50; \$10 for 100

Contact TDU at 313-842-2600 or visit www.nopensionfreeze.org.

Attend the TDU Convention!



"I decided to go to the TDU Convention for the first time last year because TDU is the only reliable source for information.

"It really seems like the Central State trustees and our International officers are not coming close to giving us the real story. They are treating us like mushrooms — keeping us in the dark.

"At last year's convention I went to the Pension Summit, which was very informative. I'm definitely coming to this year's convention — and I'm bringing some people from my local with me. They need to know what's going on too, and the TDU Convention is the best place for that."

Skipper Bair
Local 20, Roadway
Toledo, Ohio

Worker, Food Safety Key Issues in Upcoming Contract Talks

Local 556 Defeats Tyson Unionbusting

by David Levin

TDU organizer, New York

Local 556 members have beaten back a campaign by Tyson Foods to decertify their union representing 1,500 meatpackers at its Pasco, Wash., plant. In balloting conducted by the National Labor Relations Board (NLRB) on April 8 and 9, members voted "Union Yes!" by 708 to 657.

The tight union victory came despite a heavily-financed company campaign that included massive legal violations. Tyson shipped in more than a dozen managers to interrogate and coerce union supporters in round-the-clock captive audience meetings. Tyson manager's tactics were guided by a 34-page company manual on union busting.

Managers placed "Vote No" stickers on workers' helmets without their permission and fired union supporters — among other violations. The day before the vote, super-

visors tore "Union Yes!" stickers off of workers' helmets throughout the plant.

"The company tried to take away our union and our voice, but we stuck together," said Maria "Gaby" Lopez, a union activist in the processing department.

The union victory marked the end of a two-year management campaign that began as an effort to oust Local 556 leaders in the 2002 local union election.

Company Targets Reformers

In 2002, Local 556 President Maria Martinez's Respect & Dignity Slate defeated the management-supported candidate with 70 percent of the vote, despite the fact that management barred Martinez from the plant leading up to the election.

Tyson management then assisted the defeated candidate, Carlos Perez, in gathering signatures on a decertification petition. After Perez submitted the petition, management promoted him to supervisor.

The NLRB postponed the decertification vote while it investigated numerous charges of illegal management support of the decert effort. In March, Local 556 withdrew its charges to allow the vote to proceed.

"Members wanted

this vote before contract negotiations began so management couldn't use the issue as a distraction," said Martinez. "The victory means that Local 556 members and the company can focus on negotiating a new contract."

Health and Safety

The Local 556 victory at Tyson came the same day that OSHA fined the company \$436,000 following an investigation into the asphyxiation death of a worker at an animal feed plant in Arkansas.

The Washington State Department of Labor and Industries fined Tyson \$61,500 last year after a Local 556 member had his arm cut off in a hock cutter after the company tampered with the machine's safety mechanisms. "They knew it was dangerous and didn't do anything," said DOL spokesperson Elaine Fischer.

Safety—for both workers and consumers—is expected to be a hot issue in the upcoming negotiations. Injury rates at the Pasco plant are two-and-a-half times higher than the national average for meatpacking plants, according to the company's own records. Tyson's Pasco plant is just an hour and a half from Yakima, Wash., where the first case of mad cow in the U.S. was discovered.

"Safe working conditions lead to a more sanitary plant. We're asking the company to work with Local 556 members to protect both workers and consumers," Martinez said.

Members are rallying around the union contract campaign in the wake of the vote.

"We're focusing on what unites us," said shop steward Arturo Aguilar. "We want a safe plant and a more secure future for our families. That's what we're going to fight for in the new contract."



"Tyson management has spent the last two years trying to break our union. I'm proud that we beat this giant corporation's attempt to decertify our union. But I'm also concerned about how Hoffa has undermined my local's elected leaders.

"In 2002, Hoffa assigned a personal representative to our local who helped form an opposition slate to run for union office. Hoffa's candidate, Carlos Perez, was also backed by the company. After Perez lost the election, he turned around and tried to decertify the union.

"Now that we've beaten the company's decert, we are focusing on uniting all the members to win a good contract. We hope the International and Joint Council will support our fight for a good contract."

Maria Chavez

Local 556, Tyson Foods
Pasco, Wash.



Portland Local 206 and Seattle Local 174 sent tractor trailers and rallied with community supporters to show solidarity with Local 556 members in their fight against union-busting.

List of Plans with Better Benefits Grows

UPS and Freight Workers in Machinists Union Receive Superior Pensions

A widening study by TDU of other pension plans reveals that mechanics at UPS and some freight and carhaul companies receive pension benefits that in many cases far exceed the benefits received by Teamsters in the Central States Plan.

In Oregon, for example, UPS mechanics are retiring with \$6,000 or better monthly benefits. And when they retire medical coverage costs \$50 per person. Pensions for Chicago-area UPS mechanics in the Machinists Union are currently between \$3,000 and \$4,000 and will be increasing significantly with improvements in the coming years. They also enjoy medical coverage for \$50.

At many locations around the country, including the Midwest, the International Association of Machinists (IAM) represents UPS mechanics. This arrangement has been in place for many years. The IAM also represents some workers at Yellow,

Roadway, ABF, PMT (carhaul) and others.

The IAM has a national pension fund and also many regional and local funds. These are multi-employer funds, as are the Central States and Western funds, and they operate in the same economic climate. Layoffs and closings, the stock market downturn and growing ratios of retirees to active participants are features shared by many union funds.

Because the IAM has different funds, UPS mechanics in different areas receive different levels of benefits. But most if not all pay better benefits than does the Central States plan.

Despite the economic challenges the national IAM fund has not cut benefits for workers at companies currently in the fund. Instead, they are reducing benefits for any new groups that come into the fund. Some regional IAM funds have

made some cuts, but, as in Oregon, have kept the benefit multiplier at two percent or better (twice Central States' figure) and continue to allow members to retire early and to receive reasonably priced medical coverage.

If the IAM funds can continue to provide superior benefits and reasonable medical coverage, why can't Teamster funds do the same? Evidence is mounting that the IBT and pension fund trustees are protecting the interest of the employers at the expense of Teamster members and retirees.

Miami Freight Clericals Get Superior Pensions

Office clerical work is another Teamster jurisdiction that in some areas is represented by other unions. What level of pension benefits do they receive and have they suffered the same cuts that Central States Teamsters have?

Yellow freight clericals in Miami, for example, are represented by the Transportation Communications International Union. Even with less than 30 years' service participants in this plan receive far superior benefits than Central States participants.

A clerical retiring at age 64 with 26 years of service stands to receive a monthly pension of \$4,234. A pension at age 65 with a full 30 years' service would be even higher. There have been no cuts in benefits and good medical coverage is available at reasonable cost. A Teamster with the same years of service working at this very same terminal will receive a pension of \$2,600 and pay hundreds of dollars for medical coverage.

What gives, Central States? Workers in our industries and at identical employers receive superior benefits despite the many challenges faced by their pension funds.

Teamster Power Outage

What's Your Take on Teamster Power and the Hoffa Administration?

Convoy Dispatch recently announced that we will be publishing a report on the decline of Teamster Power and an evaluation of the Hoffa administration's responses to the challenges facing our union. (*Teamster Power Outage, February 2004*)

We asked for your feedback and opinions, and we've gotten an earful. We'd like to hear more.

We are asking concerned Teamsters to fill out the attached survey and send it in with your comments to: TDU, PO Box 10128, Detroit MI 48210. Members can also fill in the survey and comment online at www.tdu.org

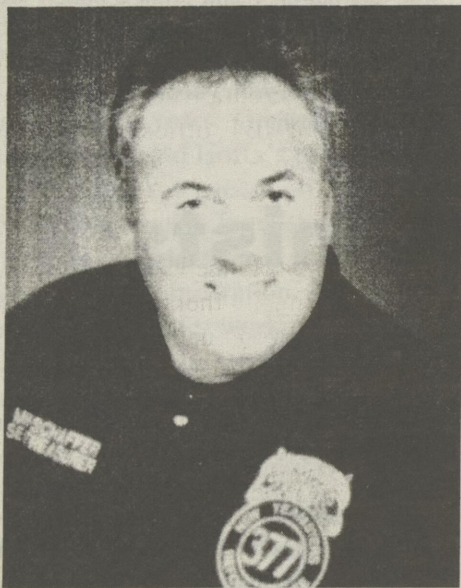
How would you grade the Hoffa administration's performance in each of the following areas:

Contract bargaining A B C D F

Improving Teamster benefits A B C D F

Organizing the unorganized A B C D F

Building Teamster political influence A B C D F



"Hoffa ran for office promising better pensions, but he's delivered pension cuts in our union's two largest funds — the Central States and West. Any evaluation of his administration has to start with that cold fact. If these cuts are not restored, then all our bargaining power that should go towards winning improvements is going to be used up just restoring the benefits we'd already won and deserve."

Mike Schaffer

Local 377, Roadway
Youngstown, Ohio

Uniting officers behind the Hoffa administration A B C D F

Eliminating government oversight A B C D F

Rooting out union corruption A B C D F

Building stronger local unions A B C D F

Public relations for the Hoffa administration A B C D F

Other (please list and grade)

A B C D F

What has been the Hoffa administration's greatest achievement so far?

- ☐ Increasing strike benefits
- ☐ "Best Contracts Ever"
- ☐ Organizing new members
- ☐ Building Teamster political influence
- ☐ Uniting officers behind the Hoffa administration
- ☐ Project RISE/Fighting corruption
- ☐ Good PR and a visible presence in the media
- ☐ Other (list)

What has been the Hoffa administration's biggest failure so far?

- ☐ Overnite strike
- ☐ Loss of 100,000+ members
- ☐ Pension and health benefit cuts
- ☐ Dues increase without a vote
- ☐ Dues waste/restoration of bloated officer salaries and multiple salaries
- ☐ Weak contracts
- ☐ Corruption/Violating members' rights
- ☐ Other (list)

What has the Hoffa administration done for Teamster Power in general?

- ☐ Hoffa has built Teamster Power
- ☐ Hoffa has weakened Teamster Power
- ☐ Hoffa has had no effect on Teamster Power

Having Hoffa as Teamster General President has

- ☐ Strengthened my local union
- ☐ Weakened my local union
- ☐ Had no effect on my local union

What effect has the Hoffa administration had on the rights of rank-and-file members?

- ☐ Strengthened rank-and-file rights
- ☐ Weakened rank-and-file rights
- ☐ Had no effect on rank-and-file rights

What effect has the Hoffa admin-

istration had on rank-and-file participation in our union

- ☐ Boosted rank-and-file participation
- ☐ Diminished rank-and-file participation
- ☐ Had no effect on rank-and-file participation

Do you feel that Hoffa, Keegel and other top Teamster officials have delivered on their promises to the membership?

- ☐ Absolutely
- ☐ Somewhat
- ☐ Very little
- ☐ Not at all

What is Hoffa's biggest broken promise?

- ☐ Cut and cap officer salaries
- ☐ Root out corruption
- ☐ Organize the unorganized
- ☐ No dues increase
- ☐ A real 25-and-out pension
- ☐ Best Contract Ever
- ☐ Other (list)

How would you rate the Hoffa administration's action plans for taking on:

Corporate greed A B C D F

Anti-labor politicians A B C D F

Unfair labor laws A B C D F

Nonunion competition

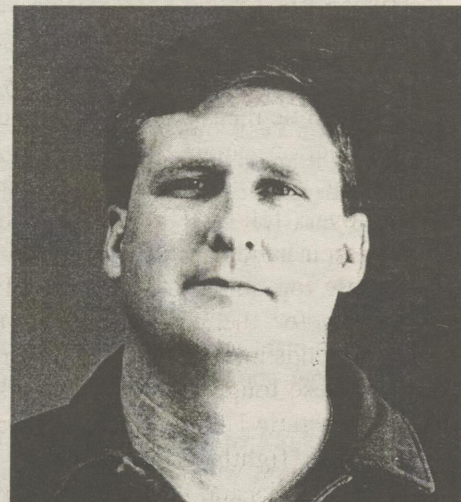
Corporate media A B C D F

Other (please list and grade)

A B C D F

What are the biggest internal obstacles to greater Teamster Power?

- ☐ Weak international leadership
- ☐ Wasted dues money
- ☐ Weak bargaining
- ☐ Lack of organizing plan
- ☐ Lack of membership participation in our union
- ☐ Other (please list)



"Our union has shrunk every year that Hoffa has been in office. Mergers are not a substitute for organizing new members in our core industries. We need to beef up our organizing power as well as our membership rolls. The organizing drive targeting USF Dugan is a step in the right direction. We all have a stake in Teamster organizing being successful."

Darryl Connell

Local 200 President
Milwaukee

Additional comments you have about Teamster power, our union's priorities, and the Hoffa administration's performance (attach if needed):

Your Information (Optional)

Name _____ Local _____

Address _____

City _____ State _____ Zip _____

Phone (____) _____ Company _____

Job classification _____ Years in union _____ Steward? _____

TDU History

Winning the Fight For Democracy

(This is the second article in a series on the history of TDU.)

The 1980s

The 1980s were a difficult time for working Teamsters. They were years of economic recession, freight industry deregulation, and concessionary bargaining. Teamsters under attack by employers felt like they were fighting with their hands tied behind their back, because top union officials were looking out for the employers and their mob friends instead of the members.

In these tough times, Teamsters for a Democratic Union (TDU) helped organize a fightback against the employer attacks and kept the pressure on to clean up the union and expand members' democratic rights. By the end of the decade, TDU was winning the fight for democracy. The groundwork was laid to rebuild the strength of the Teamsters union.

Fighting Deregulation and Concessions

The 1980s were devastating to the trucking industry and freight Teamsters. Legislation to deregulate the industry was proposed in 1980. The IBT hired paid lobbyists to work against the bill, but did little else. TDU members proposed local union resolutions calling for national demonstrations against deregulation, and even possible work stoppages. "You just can't ignore a large convoy of trucks and a crowd of rank-and-file Teamsters so easily," said TDU activist Herman Myers, Sr. The IBT's back room lobbying didn't work. Deregulation passed.

Deregulation led to cutthroat competition and the growth of new non-union carriers. By 1982, 183 unionized carriers had gone out of business and 30 percent of freight Teamsters were unemployed. The remaining unionized carriers responded by demanding big concessions in areas like wages, productivity, and the flexible workweek.

The IBT supported the employers' demands. In July 1983, Teamster President Jackie Presser proposed a special freight "relief rider" that would cut wages by up to 35 percent and establish two-tier wages. TDU launched a national campaign to defeat the relief rider and save the National Master Freight Agreement. It worked. The membership rejected the concessionary rider by a vote of 94,086 to 13,082. *Business Week* called it "A real slap in the face for Jackie Presser."

Winning Contract Rights

The IBT feared a similar embarrassment on the 1985 UPS contract. So they pulled a fast one. A new agreement was secretly negotiated months before the contract expired. Ballots were secretly printed up and mailed to members along with slick promotional material calling it the "Best Contract Ever." Members had not even known negotiations were underway!

TDU sued the IBT over this quickie vote. The court voided the vote and ruled that members had to be given a meaningful opportunity to debate contract proposals before they were voted on. It was the last quickie vote the IBT would pull.

Soon after, TDU beat the hated "two-thirds rule." In 1987 and 1988, a majority of UPS and freight Teamsters rejected their contracts. But since a two-thirds super-majority was required to reject an agreement, the union declared the contracts approved. TDU and New York Local 804 President Ron Carey challenged the two-thirds rule in court. Under pressure, the IBT General Executive Board eliminated the two-thirds rule. The rank-and-file had won majority rule on contract votes.

Pension Justice

Throughout the 1980s, TDU worked to protect working Teamsters' pension and health and welfare benefits. TDUs settled a class-action lawsuit against the Central States Pension Fund when the trustees agreed to pay back nearly \$3 million dollars that was lost in a corrupt deal. Another TDU-backed lawsuit forced Central States to rescind a policy of terminating health and welfare benefits for members whose employers were delinquent in making contributions.

In 1983, 150 long-time Kroger workers in Detroit who had been cheated out of their pensions won the benefits they were owed with the help of TDU and attorney Ann Curry Thompson. Their local union had told them nothing could be done. "The TDU is who helped us," said 26-year Kroger Teamster Mary Runski. "They were always there."

Towards the end of the decade, TDU launched a nationwide campaign for pension improvements in the major Teamster funds, including 30-and-out at any age with \$3,000.



Right to Vote demonstration at the 1986 IBT Convention.

Corruption at the Top

At the 1981 IBT Convention, TDU delegate Diana Kilmury stood before the hostile audience and proposed the creation of an Ethical Practices Committee within the union. "What are you afraid of?" she asked. The corrupt IBT leadership had a lot to be afraid of.

Much of the corruption involved the Central States Pension Fund. In 1982, Teamster President Roy Williams, Central States Pension Fund administrator Allen Dorfman, and pension fund trustees were convicted of attempting to bribe a U.S. senator.

Dorfman had used the pension fund as a piggy bank for the mob. He had split kickbacks with James Hoffa, Sr. and been a business partner of James Hoffa, Jr.

In 1983, Williams was charged with extortion and links to organized crime. Williams and Dorfman were plotting with the mob to take back control of the Central States Pension Fund. Williams later admitted in court that the Teamster leadership was controlled by organized crime.

The next Teamster President, Jackie Presser, was no better. At the time of the 1986 IBT Convention, he was under a multi-count indictment including charges of racketeering and embezzlement.

No Mob Control, No Government Control

As the extent of the corruption became clearer, pressure grew for government intervention. In 1988, the Justice Department prosecuted the union under the Racketeer Influenced and Corrupt Organizations Act (RICO). The suit stated that "the IBT has made a devil's pact with La Cosa Nostra." They proposed a fed-

eral trusteeship of the whole union.

TDU strongly opposed a government takeover. TDU's position was that the best anti-corruption program would be to give members the Right to Vote.

The Right To Vote

In 1985, TDU launched a National Right to Vote petition to put pressure on the Teamster leadership to hold elections for national officers. Volunteers gathered signatures at worksites across the country. The petition, with tens of thousands of signatures, was presented to the 1986 Teamster convention. At the convention, TDU delegates supported a resolution for direct election of IBT officials, which was voted down.

When the RICO suit was announced, TDU National Organizer Ken Paff wrote the U.S. Attorney General saying "there is only one 'reorganization' under RICO that the government can effectively take: namely, to direct the IBT to hold rank-and-file elections".

On March 13, 1989, the Justice Department reached an agreement with the IBT to settle the RICO suit. It established a court supervised Independent Review Board to clean out corruption. Most important, it provided for the direct election of Teamster officers. TDU's position against government trusteeship and for the right to vote had prevailed. The *Wall Street Journal* reported that "the terms of the settlement were greatly influenced by the concerns and platform of Teamsters for a Democratic Union."

Rank-and-file Teamsters had won the right to vote. Now they were going to use it.

Next issue: Rebuilding Teamster Power.

New York Local 966

Members Fight Layoffs, Supervisors Working

Local 966 members are fighting for management to recall laid off workers at FujiColor Photo Services in the wake of a corporate scandal that led to the arrest of plant manager Mike Yalovitser. Members have won the recall of some of the laid off workers — but they're not satisfied.

Dozens of Local 966 members are laid off, in part because of declining business. Then members discovered that corporate crime played a role in the Teamster layoffs.

Yalovitser was fired on Feb. 17, reportedly for siphoning work from the company and redirecting it to photo labs owned by his family.

After that, Fuji saw an immediate uptick in business. But instead of recalling laid off

Teamsters, management used supervisors to perform the extra work.

Working with TDU, Local 966 shop stewards issued a flyer demanding that Fuji recall workers. They approached their local president for his support and he agreed to join them in signing the flyer and a letter to the company demanding an end to supervisors working.

After members circulated the flyer, management recalled several workers. But members are keeping up the pressure because supervisors continue to perform union work. Grievances are pending and members are considering ways to bring public pressure to bear on the company.

"We are going to keep demanding

that Fuji bring back laid off members. They don't have enough employees to get the work done," said shop steward Luz Nebiar. "We can't let supervisors do our work or use part-timers more than the contract allows them to — especially not when we have members on layoff."

"We can't be afraid. Working together, we can enforce our rights," said shop steward Miguelina Rodriguez.

The fired plant manager is also accused of stealing supplies from the company, including photo paper, developing chemicals, and machine parts.

The company had installed cameras to spy on workers to try to catch the thief. It turns out the cameras should

have been pointed at management!



Miguelina Rodriguez, Local 966

Did Houston Official Extort \$75,000 to 'Buy' Vice President Position?

Former staff members at Houston Local 988 testified at a March 29-31 trial conducted by the Independent Review Board (IRB) that a Hoffa appointee forced union employees to contribute large sums of cash so he could become an International vice president after Tyson Johnson stepped aside.

Chuck Crawley, former president of Local 988 and former chair of the southern freight grievance panels, allegedly extorted the money and told employees that he was raising \$75,000 for Hoffa's campaign fund to buy a seat on the Teamster General Executive Board. Crawley denied all wrongdoing, including the many charges of embezzling union funds.

No evidence linked the plan directly to Hoffa, and Hoffa's PR team has not commented on the allegations, made under oath to the IRB. However, Crawley is represented by Hoffa's top-gun attorney: Robert Baptiste, whose firm, Baptiste and Wilder, employs IBT General Counsel Patrick Szymanski as a partner.

Who is paying Baptiste's hefty fee, and why is the International's law firm going all-out for Crawley, who is very likely going to be banned from the union by the IRB? Apparently there are bigger fish who could be caught in the ongoing federal investigation. Both the FBI and Department of Justice had agents at the IRB trial.



Teamster activists attended a workshop on "Running for Local Office" at the annual Minnesota TDU educational conference. Contact TDU if you're interested in holding a workshop in your area.

Local 174's Creative Tactics Lead to Victory

Solidarity Beats Back Midcontract Takeaways

Facing King County (Seattle, Wash.) plans to impose Solid Waste Division cutbacks that would affect 200 transfer station operators, scale operators and truck drivers, Teamster Local 174 leaders could have informed members there was nothing that could be done, as the previous old guard administration had done. This issue had been building to a head for over a year. Instead they crafted a creative plan, mobilized a solidarity movement, and won a victory that stopped takeaways in shifts and hours, overtime pay, job safety and security.

Creative Strategies

With a looming April 1 deadline declared by the county, and little sign of good-faith negotiation on their part, the local looked to creative strategies, establishing primary pickets at King County Solid Waste locations. Because Local 174's contract does not expire until December 2005, members working for the County could not strike. Instead, other Local 174 and community members showed solidarity by walking picket lines to inform the public of the county's attempts to violate the contract and undermine good jobs.

Garbage flow to King County sites all

but stopped, thanks to Teamster Local 174 sanitation haulers and members of the public who chose to honor the pickets. That pressure brought the bosses to the table for a round of all-night negotiations, in which the county gave up on most of its earlier demands. The union victory saved jobs and conditions, and shows that job actions, if well planned with membership involvement, can win.

For the local's new reform leadership, elected four months ago, this victory is a signal to employers that rank and file power is back in Local 174, and that members are ready to take a stand.

Teamster Officer Resigns in Protest

Jim Romine was the president of Ohio Local 637 for 11 years, until he resigned in protest recently. His resignation letter, addressed to James Hoffa and Tom Keegel, didn't pull any punches: it begins "Congratulations! You have successfully destroyed a lifetime of respect, pride and a belief in the Teamsters Union." Romine, a former loyal Hoffa supporter, discusses in detail a lack of accountability by the top officers in the two-page letter. His letter is available at www.tdu.org.

Locomotive Engineers Merge with Teamsters

In January of this year, the International Brotherhood of Locomotive Engineers (BLE) merged into the IBT's newly created Rail Conference and Teamsters Canada Rail Conference (TCRC). As part of the merger, the BLE has opened its membership to all "trainmen," not just engineers, and changed its name to the Brotherhood of Locomotive Engineers & Trainmen (BLET).

The membership of the BLE voted by a large margin to ratify the merger agreement late last year. Canadian members were more reserved about the idea than were counterparts in the U.S. Supporters hope that the overall strength of both unions will be increased by the combination of railroaders with truck drivers and other Teamsters into one union.

Many in the BLE also hope that the Teamsters will help them fend off raids from the United Transportation Union (UTU). So far so good. After failing to convince the BLE to merge with them, the UTU began a strategy of forcing the engineers into "winner takes all" elections in which all UTU members and all BLE members working for a given company

would choose just one union to represent everyone. Because the UTU membership is much larger than the BLE membership, it appeared that the smaller union would lose. But then the UTU international president and other officials were indicted for racketeering and bribery — they are now facing jail sentences of up to 20 years. The result is that the BLET and the TCRC have defeated the UTU on the Canadian Pacific Railway and other locations.

Many BLET and TCRC members — even those who supported the merger — do have concerns about joining the Teamsters. Some in Canada worry that they are trading their independence away for an organization that is unfamiliar with Canadian laws and structures relevant to the railroad workers. Some engineers in the U.S. wonder if the Teamsters will be effective in the context of the Railway Labor Act. And of course, the specter of Teamster corruption has made many nervous.

TDU extends a warm welcome to our brothers and sisters on the railroads and hope that this merger will make our unions stronger.

Using Information Requests to Win Grievances

Information is Power

Information is power. This is especially true when it comes to winning grievances. The more information you have on how management has violated the contract, or why their excuses for doing so are bogus, the more likely you are to win your grievance. That's why management tries to keep us in the dark.

That's where information requests come in. Under the National Labor Relations Act (NLRA), the union has the right to obtain information from the employer that it needs to process a grievance or enforce the contract. This can include everything from company memos to personnel files. This duty to provide the union with information is derived from the legal duty the employer has under the NLRA to bargain with the union.

You will usually want to use information requests when you are investigating a grievance or preparing for arbitration. But you can also use them before a grievance is filed, to monitor compliance with the contract or decide whether to file a grievance.

Under the law, it is the union — not

individual members — that has the right to request information from the company. So stewards, BAs, and union officers can all file information requests. If you are not a steward, you can still prepare an information request and ask the union to file it. Later, we'll talk about what to do if the union refuses.

How to Request Information

Information requests should be in writing. Send the original by certified mail, return receipt requested, so you have proof it was mailed and received. Keep a copy for yourself. Below is a sample letter requesting information on a discharge.

What to Request

Management is required to provide you with documents and information that could be useful to processing grievances or enforcing the contract. They are even required to make a reasonable effort to get relevant information they don't have in their possession, such as by requesting it from contractors or customers.

Here are some examples of documents you can request: accident re-

ports, attendance records, company manuals and guidelines, disciplinary records, evaluations, interview notes, investigation reports, memos and correspondence, payroll records, personnel files, time study records, and work rules.

What if Management Refuses?

If the union is not in the habit of filing information requests, you can bet the company is not going to be happy when you start. They might flat out refuse, or they might make excuses for why this particular request can't be filled.

If the employer refuses to comply with an information request, the union can file unfair labor practices with the National Labor Relations Board (NLRB). Refusal to provide requested information is a violation of Section 8(a)(5) of the National Labor Relations Act. The NLRB often "defers" other charges to the arbitration procedure, meaning that it will not rule on the charge while the grievance is pending or possibly even after it is settled. But the NLRB *will not* defer charges that the employer refused to provide information. The reasoning is that the failure to provide information interferes with the grievance procedure, so it would be inappropriate to defer the charge.

Two common management excuses are that the requested information is "confidential" or too time-consuming to gather. Management often claims personnel files and employee tests are confidential. But if they are needed to process a grievance, they must be produced. If they do contain sensitive information, such as personal medical history, management must negotiate with the union to turn over the records with the sensitive information blocked out. For some records, such as those containing trade secrets, management can require that the union agree to not disclose the confidential information.

If the information you requested is relevant, management is required to provide it even if it is time-consuming to gather. The union can be charged for expenses related to compiling the

Management is required to provide you with documents and information that could be useful to processing grievances or enforcing the contract.

information if "substantial" costs are involved.

What if the Union Refuses?

Sometimes it is not just management that does not want to deal with information requests. Some local union leaders have never used this tool and may be unfamiliar with it. Some may ask the employer for information but then refuse to file an unfair labor practice charge if management says no, and instead take the matter to a grievance panel where it could be lost.

Your steward or BA may have never filed a formal information request before, and could need information on the topic. If they still refuse, and if the information could be key to an important grievance, you may have to exert some pressure on the leadership. Let them know they could expose the union to a Duty of Fair Representation charge if they refuse to request needed information.

You can also get other workers to ask the union to pursue an information request, perhaps with a petition or a shop meeting with the union rep. Keep members informed about the matter and involved in the process.

If the BA refuses to file an unfair labor practice charge over management's failure to provide information, you might consider filing the charge yourself. The NLRB might refuse it, or they might contact the union to see if it is true that the information was requested and denied. This puts the union in the position of either having to back you up or publicly admit that they are not supporting the grievant on this issue. If that is the case, the members will want to know.

Much of this information was adapted from "The Legal Rights of Union Stewards" by attorney Robert M. Schwartz. Copies are available from TDU for \$13.

Sample Letter: Request for Information

To: Charles Hill, labor relations manager
From: Mary Jones, steward
Date: April 25, 2004
Re: Discharge of Jose Gonzalez for tardiness

Dear Mr. Hill:

In order to prepare the grievance of Jose Gonzalez, I am requesting the following information from the company:

1. Jose Gonzalez's personnel file.
2. Tardiness records of all bargaining unit employees for the past three years.
3. Names of all employees disciplined for tardiness in the past three years, dates and descriptions of each discipline, and the amount of tardiness that led to each discipline.

Please respond to my request within 14 days of the receipt of this letter. If any part of this request is denied or any material is unavailable, please provide the remaining items, which the union will accept without prejudice to its position that it is entitled to all documents and information requested here.

Sincerely,
Mary Jones

Get Started Now to Build the Future ...

3 Steps to a Stronger Union

1. JOIN TDU



"For a long time I didn't join TDU because I thought I'd be able to make changes in the union on my own. But as a shop steward I got tired of spinning my wheels and not getting any support from my union officials.

"TDU gives you someone behind you so that you don't feel alone.

"Now I'm working to get more members involved and educated about how the union is run and how to get positive things done.

"In the last contract negotiations, there was a lot of talk about getting common standards for all Teamsters under contract with Albertsons. There were a lot of meetings in Vegas but no results.

"In the end, the members were left in the dark. Now we're pulling members together to fight for better contracts and union representation."

Chuck Robinson
Local 952, Albertsons
Orange, Calif.

2. DISTRIBUTE *CONVOY*

"Last year I started getting a bundle of *Convoy* each month to distribute. Now I increased it. *Convoy* is the only resource we have to find out what's really happening in our union. Since the benefit cuts, people are more interested than ever. People I see ask me 'When is the next issue coming out?'"

Jim Laslie, Sr.
Local 89, USF Holland
Louisville



Order *Convoy* by the Bundle

Prices per issue are

___ \$4 for 10, ___ \$6 for 20, ___ \$9 for 50, ___ \$13 for 100

Name _____ Local _____

Address _____

City _____ State _____ Zip _____

Return to: TDU, Box 10128, Detroit, MI 48210

JOIN TDU

TDU MEMBERSHIP APPLICATION

Name _____ Local _____

Address _____

City _____ State _____ Zip _____

Phone (____) _____ Company _____

e-mail address _____

☐ City ☐ Road ☐ Dock ☐ Clerical ☐ Warehouse ☐ Construction ☐ Production

other _____

___ \$40 one-year membership & subscription to *Convoy Dispatch*.

___ \$95 three-year membership fee.

___ \$25 for spouses, and Teamsters who gross less than \$22,000 a year.

___ \$25 for retirees. Retired from Local _____.

Check or money order

Mastercard/Visa # _____ Exp. date ____/____

Date _____ Signature _____

Return to: TDU, P.O. Box 10128, Detroit, Mich. 48210

TDU membership is kept confidential. TDU solicits and accepts membership applications and donations only from Teamsters, retired Teamsters and spouses who are not employers. Only funds from Teamster members and their spouses can be used for campaign purposes.

3. DONATE TO TDU



"This year I gave \$300 to TDU. I decided to help out because of the things TDU has done — like putting out good information, fighting for fair pensions, and winning the right to vote in international elections.

"I do as much as I can to pass out *Convoy* and spread the word about TDU at UPS centers near me, but I know it also takes money to keep TDU going. So that's why I decided to be a financial supporter. You should too.

"Just think what we could do if everyone who's reading this *Convoy* sent in \$20. That's my challenge to you. Everybody needs to get involved."

Wayne Turner
Local 71, UPS
Charlotte, N.C.

To get involved, call TDU at 313-842-2600. Or visit www.tdu.org, where you can join TDU, order *Convoy*, make a donation or renew your membership 24 hours a day.